

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

AILLET, FENNER, JOLLY & § CIVIL ACTION:5:09-cv-02016
MCCLELLAND, INC.

VERSUS § JUDGE STAGG

U. L. COLEMAN COMPANY, LTD., § MAGISTRATE HORNSBY
SEQUOIA CONSTRUCTION, L.L.C.,
WALKER PLACE, L.L.C. and § JURY TRIAL DEMANDED
NEEL-SCHAFFER, INC.

RULE 26 (f) CASE MANAGEMENT REPORT

A meeting of counsel was held on the 5th day of May, 2011, by telephone. The following persons participated: Deborah Shea Baukman and Daniel J. Baker, counsel for Aillet, Fenner, Jolly & McClelland, Inc., (“Plaintiff”), Joseph Looney and Frank H. Spruiell, Counsel for U. L. Coleman Company, Ltd., Sequoia Construction, L.L.C. and Walker Place, L.L.C., (“Coleman Defendants”), and Roy H. Liddell, counsel for Neel-Schaffer, Inc.:

1. Nature of Plaintiff’s Claim

Copyright Infringement

Nature of Coleman’s Defendants’ Counter-Claims

Copyright misuse; sham litigation

2. Bench or Jury Trial

Jury trial

3. Initial Disclosures

Initial disclosures will be made by the parties no later than May 17, 2011

4. Jurisdiction

The Coleman Defendants dispute the Court's subject matter jurisdiction. A valid copyright registration is a jurisdictional prerequisite to a federal court infringement action. The Coleman Defendants maintain that the registration procured by Plaintiff for works in question were procured through false statements and non-disclosure, and therefore invalid.

5. Joinder of Parties and Amendment of Pleadings

- The plaintiff may amend to add the insurer(s) of the defendants.
- The plaintiff will file responsive pleadings to the Coleman counterclaim.
- Coleman may amend its answer and counterclaim to make some corrections and to add the insurers and agents of the plaintiff.
- Defendants may amend their answers and counterclaims.

6. Discovery Issues

No discovery issues are anticipated, except in the following regard:

- Shreveport attorney, John Hayter, is a witness. It is not anticipated that there will be discovery into attorney/client privileged matters, but it is possible.
- Plaintiff's lead counsel, Deborah Baukman, may become a necessary witness to communications between herself and former counsel for Coleman, John Hayter. In that event, Caldwell Roberts, Jr., will take over as trial advocate pursuant to the requirements of LRPC Rule 3.7.
- The Coleman Defendants anticipate that Deborah Baukman may become a necessary witness to communications between herself and former counsel for Coleman, John Hayter and other material persons. It is anticipated there will be discovery into attorney/client matters and an objection of privilege may be urged.

7. Motion Practice

There are no pending motions. Motion practice is anticipated.

8. Alternative Dispute Resolution

The plaintiff is amenable to ADR. The Coleman Defendants are not amenable to ADR.

9. Related Cases

This matter is related to the Walker Place Development that is also the subject of *U. L. Coleman Company, Ltd, et al v. Bossier City-Parish Metropolitan Planning Commission, et al*, Civil Action: 6:01CV1412, USDC, W.D. La, Shreveport Division, and involves some of the same witnesses and evidence; but otherwise, the matters are not related.

This matter also involves issues already made the subject of, and adjudicated as between the plaintiff and the Coleman Defendants, in a civil action decided in June, 2010, in the First Judicial District Court for the Parish of Caddo.

10. Trial by Magistrate Judge

There is not consent of all parties to trial before the assigned magistrate judge.

MAYER, SMITH & ROBERTS, L.L.P.
Attorneys for Aillet, Fenner, Jolly & McClelland, Inc.

By s/J. Kris Jackson
Deborah Shea Baukman, T.A., No. 19789
Debbie@msrlaw.com
Caldwell Roberts, Jr., No. 20343
J. Kris Jackson, No. 29266
Daniel J. Baker, No.
1550 Creswell Avenue
Shreveport, LA 71101
(318) 222-2135 ; (318) 222-6420 Facsimile

WELLS, MARBLE & HURST, PLLC
Attorneys for Neel Schaffer, Inc.

By s/ Roy H. Liddell
Russell Latino, III, #31228
Roy H. Liddell, T.A. (pro hac vice)
Joshua P. Henry, (pro hac vice)
Post Office Box 131
Jackson, Mississippi 39205-0131
(601) 605-6900

ADAMS & REESE L.L.P.

By s/ Joseph Looney
Joseph W. Looney, #8773
701 Poydras Street, Suite 4500
New Orleans, LA 70139
(504) 581-3234
(504) 566-0210 (fax)

AND

Frank H. Spruiell, Jr., #1611
WIENER, WEISS AND MADISON
333 Texas Street, Suite 2350
Shreveport, LA 71101
(318) 226-9100
(318) 424-5128 (fax)
Attorneys for U. L. Coleman Company, Ltd.,
Sequoia Construction, L.L.C. and Walker Place L.L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above pleading was filed electronically with the Clerk of Court using the CM/ECF system and has been sent to all known counsel of record by operation of the court's electronic filing system, e-mail, facsimile, or by placing same in the United States Mail, properly addressed and with adequate postage prepaid thereon.

Shreveport, Caddo Parish, Louisiana, this 17th day of May, 2011.

s/J. Kris Jackson

OF COUNSEL